



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0453

Introduced 1/29/2007, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

820 ILCS 130/5

from Ch. 48, par. 39s-5

Amends the Prevailing Wage Act. Deletes the provision requiring contractors and subcontractors participating on public works to make and keep records of the starting and ending times of work each day of all laborers, mechanics, and other workers employed by them on the public works projects. Provides that if a contractor or subcontractor fails to submit the certified payroll, the public body awarding the contract for public work or otherwise undertaking any public works shall demand the submission of the required documents within 5 days after the submission is due. Provides that if the contractor or subcontractor fails to submit the requested documents, the public body shall withhold all payments due the contractor, or all amounts due the subcontractor in connection with the work performed until the requested documents are received.

LRB095 06721 RLC 26834 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Section 5 as follows:

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

8 (a) While participating on public works, the contractor and
9 each subcontractor shall:

10 (1) make and keep, for a period of not less than 3
11 years, records of all laborers, mechanics, and other
12 workers employed by them on the project; the records shall
13 include each worker's name, address, telephone number when
14 available, social security number, classification or
15 classifications, the hourly wages paid in each pay period,
16 the number of hours worked each day, ~~and the starting and~~
17 ~~ending times of work each day;~~ and

18 (2) submit monthly, in person, by mail, or
19 electronically a certified payroll to the public body in
20 charge of the project. The certified payroll shall consist
21 of a complete copy of the records identified in paragraph
22 (1) of this subsection (a), but may exclude the starting
23 and ending times of work each day. The certified payroll

1 shall be accompanied by a statement signed by the
2 contractor or subcontractor which avers that: (i) such
3 records are true and accurate; (ii) the hourly rate paid to
4 each worker is not less than the general prevailing rate of
5 hourly wages required by this Act; and (iii) the contractor
6 or subcontractor is aware that filing a certified payroll
7 that he or she knows to be false is a Class B misdemeanor.
8 A general contractor is not prohibited from relying on the
9 certification of a lower tier subcontractor, provided the
10 general contractor does not knowingly rely upon a
11 subcontractor's false certification. Any contractor or
12 subcontractor subject to this Act who fails to submit a
13 certified payroll or knowingly files a false certified
14 payroll is in violation of this Act and guilty of a Class B
15 misdemeanor. If a contractor or subcontractor fails to
16 submit the certified payroll, the public body awarding the
17 contract for public work or otherwise undertaking any
18 public works shall demand the submission of the required
19 documents within 5 days after the submission is due. If the
20 contractor or subcontractor fails to submit the requested
21 documents, the public body shall withhold all payments due
22 the contractor, or all amounts due the subcontractor in
23 connection with the work performed until the requested
24 documents are received. The public body in charge of the
25 project shall keep the records submitted in accordance with
26 this paragraph (2) of subsection (a) for a period of not

1 less than 3 years. The records submitted in accordance with
2 this paragraph (2) of subsection (a) shall be considered
3 public records, except an employee's address, telephone
4 number, and social security number, and made available in
5 accordance with the Freedom of Information Act. The public
6 body shall accept any reasonable submissions by the
7 contractor that meet the requirements of this Section.

8 (b) Upon 7 business days' notice, the contractor and each
9 subcontractor shall make available for inspection the records
10 identified in paragraph (1) of subsection (a) of this Section
11 to the public body in charge of the project, its officers and
12 agents, and to the Director of Labor and his deputies and
13 agents. Upon 7 business days' notice, the contractor and each
14 subcontractor shall make such records available at all
15 reasonable hours at a location within this State.

16 (Source: P.A. 93-38, eff. 6-1-04; 94-515, eff. 8-10-05;
17 94-1023, eff. 7-12-06.)